UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,713	07/19/2006	Suhung-Gwon Kim	2443.0030000	9873

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EXAMINER
RAJ, RAJIV J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *14 February 2008*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 19 July 2006.

2. Claims 1-8 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statement filed 14 February 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "*one selection or check item*". Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner takes the position that claim 1 should read "*one of the following*".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1. Determining the scope and contents of the prior art.
    2. Ascertaining the differences between the prior art and the claims at issue.
    3. Resolving the level of ordinary skill in the pertinent art.
    4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr. et al.(US 5823948) (hereinafter Ross) in view of Campbell et al. (US 6047259) (hereinafter Campbell).

Claim 1

Ross as shown, discloses the following limitations:

- *a first step of, by a service-providing system (10), building a database by selecting a plurality of terms as standard terms, the plurality of terms belong to at least one of terms regarding cardinal symptoms of patients used as a variety of names by doctors or nurses, diagnosis names, operation names, terms used upon writing of the status of patients by nurses, terms used upon writing of the status of the patients by doctors, prescription terms used by the doctors, and medicine terms;* (see at least Ross Column:2 Lines:49-66 "Medical records summary generation in medical English text in a standardized format from the data in the database: the nurses and doctors put patient information into the chart using touch screen, mouse, keyboard, or by dictating to a transcriptionist. This is done on entry screens which have standardized look and feel so as to maintain familiarity with the layout and organization of a very large body of information. This information load cannot be reduced if a comprehensive record is to be produced. When the summary is called up on screen or as a printout, all of the patient data is converted into medical English text and reads as if it had been dictated by a nurse or doctor. This includes the parts which were actually dictated. The summary is generated in under three seconds from thousands of clinical facts which were

gathered during the process of patient care. The summary can be called up at any time and

will show everything that the medical personnel have input about the patient up to that point.")

- *wherein the second step of, by the service-providing system (10), providing the standard terms through the web screen is performed by providing the standard terms as one selection or check item or providing the standard terms as selection items applicable to writing of a statement sentence.* (see at least Ross Column:9 Lines:20-35 Column:5 Lines:52-56 "TeleMed is a complaint driven system. As complaints are entered, the system begins to automatically modify later functions so personnel deal with a dramatically reduced array of selections. For example, a comprehensive differential diagnosis is filtered to only those appropriate to the patient's complaint, sex and age, and a recommended multilevel subset (none, light, medium or heavy) is used as a starting point for physicians to place in the medical record. They can then easily add to or delete from this starting point. Patient instructions relating to a complaint/diagnosis are automatically queued.")

Ross does not disclose the following limitation, however Campbell, as shown does:

- *a second step of, by the service-providing system (10), providing the standard terms through a web screen, the web screen being executed on at least one of a doctor terminal (20), a nurse terminal (30), an examination room staff terminal (40), and a general medical affair terminal (50) connected to the service-providing system (10) over a network,* (see at least Campbell Fig:1, 2 and related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine *a first step of, by a service-providing system (10), building a database by selecting a plurality of terms as standard terms, the plurality of terms belong to at least one of terms regarding cardinal symptoms of patients used as a variety of names by doctors or nurses, diagnosis names, operation names, terms used upon writing of the status of patients by nurses, terms used upon writing of the status of the patients by doctors, prescription terms used by the doctors, and medicine terms* and *wherein the second step of, by the service-providing system (10), providing the standard terms through the web screen is performed by providing the standard terms as one selection or check item or providing the standard terms as selection items applicable to writing*

of a statement sentence, taught by Ross, with a second step of, *by the service-providing system (10), providing the standard terms through a web screen, the web screen being executed on at least one of a doctor terminal (20), a nurse terminal (30), an examination room staff terminal (40), and a general medical affair terminal (50) connected to the service-providing system (10) over a network,* as taught by Campbell, with the motivation of providing a more cost efficient method of standardizing medical information, for more accurate medical diagnoses. (see at least Campbell Column:1 Lines:16-32)

Claim 2

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *a third step of, by the service-providing system (10), mapping the selected standard terms to international standard codes if there are the standard codes corresponding to the selected standard terms.* (see at least Ross Column:12 Lines:35-47 "Interface Module--Interface, and data mapping to exchange data with other systems is managed by this module. TeleMed is a comprehensive system for the automatic generation of a medical English sentence structured medical record as a consequence of individual factual data entry. The look and feel of the program is designed to make the program easy to use by medical personnel having little or no computer experience and to dramatically shorten the learning curve to become competent in using the system. TeleMed stations with touch screens are placed at each bedside, nurse and physician stations, triage, clerk desks and other appropriate locations.")

Claim 3

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *providing, by the service-providing system (10), the standard terms as one selection or check item can be applied upon selection of at least one of the terms regarding cardinal symptoms for patients, the diagnosis names, the operation names, the prescription terms used by the doctors, and the medicine terms.* (see at least Ross Column:5 Lines:2-10 "A transcription system 5 is connected to the multiple inputs and is connected to the communication server(s) 4. Transcribed dictation is received

in the communications server(s) 4. The transcribed dictations are placed in an electronic storage bin

in the communications server(s) for transferring the dictation transcriptions to the file servers, and

storing the dictation transcriptions in the file servers 2 and 3 as text associated with patient data for

particular patients. A printer 15, connected to the network, generates reports on individual patients

and management reports of system operations of statistical information, doctor related activities,

nursing related activities and patient statistics.")

Claim 4

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the

following limitations:

- *providing, by the service-providing system (10), the standard terms as selection items applicable to*
  writing of the statement sentence can be applied upon selection of the terms used upon writing of the
  status of the patients by nurses or the terms used upon writing of the status of the patients by
  doctors. (see at least Ross Column:9 Lines:20-41 "110. Patient History Module--Patient histories and

  current conditions are collected using a series of screens providing a comprehensive selection of

  medical facts on allergies, past medical history, family history, social history and a comprehensive

  review of systems which can be easily selected to indicate positive responses and, where

  appropriate, pertinent negative responses. 111. Nurse Notes Module--This series of screens allows

  nurses to easily select ordered procedures which have been performed, indicate other activities they

  have performed, record vitals, note observations or patient responses. Nurses can also pre-queue

  patient instructions associated with their activities. Orders made by physicians are queued so nurses

  can "pick off" an order to fully document the completion of the order. Electronic signatures can be

  added to a nurse's portion of the medical record. 112. Prephrased Text Module--Medical person

  specific or system wide blocks of text can be personalized. When selected, text blocks are

  automatically copied to the appropriate medical component of the medical record. They can then be

  easily modified in the transcript module, if necessary. 113. Transcript Module--Dictated text can be

  automatically integrated into the appropriate medical component of the record. Physicians can

  dictate parts of the medical record to a dictation company or in-house dictation department. The

department can send the dictation back to TeleMed by modem or other link and TeleMed will automatically connect the dictation to the proper patient, separate the paragraphs and link them to the appropriate part of the patient's medical record. Once received, appropriate medical personnel can fully edit dictation text to fix errors or enhance the text with additional information.")

Claim 5

The combination of Ross/Campbell disclose all of the limitations of claim 1. Ross further discloses the following limitations:

- *the service-providing system (10) can provide, through the web screen, at least one of a modify function, a delete function and an add function for the standard terms, and a standard statement sentence write function.* (see at least Ross Column:13 Lines:48-58 "TeleMed is a complaint driven system. As complaints are entered, the system begins to automatically modify later functions so personnel deal with a dramatically reduced array of selections. For example, a comprehensive differential diagnosis is filtered to only those appropriate to the patient's complaint, sex and age, and a recommended multilevel subset (none, light, medium or heavy) is used as a starting point for physicians to place in the medical record. They can then easily add to or delete from this starting point. Patient instructions relating to a complaint/diagnosis are automatically queued.")

Claim 6

The combination of Ross/Campbell disclose all of the limitations of claim 2. Ross further discloses the following limitations:

- *the service-providing system (10) can provide, through the web screen, at least one of a modify function, a delete function and an add function for the standard terms, and a standard statement sentence write function.* (see at least Ross Column:13 Lines:48-58)

Claim 7

The combination of Ross/Campbell disclose all of the limitations of claim 3. Ross further discloses the following limitations:

- *the service-providing system (10) can provide, through the web screen, at least one of a modify function, a delete function and an add function for the standard terms, and a standard statement sentence write function.* (see at least Ross Column:13 Lines:48-58)

Claim 8

The combination of Ross/Campbell disclose all of the limitations of claim 4. Ross further discloses the following limitations:

- *the service-providing system (10) can provide, through the web screen, at least one of a modify function, a delete function and an add function for the standard terms, and a standard statement sentence write function.* (see at least Ross Column:13 Lines:48-58)

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Rajiv J. Raj** whose telephone number is **571-270-3930.** The Examiner can normally be reached on Monday-Friday, 7:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A. Reagan** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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Date: 04/07/08
/Rajiv J Raj/ Patent Examiner Art Unit 4143
/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143